

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

CR 16-17-BU-DLC-1

Plaintiff,

ORDER

vs.

LESTER DEAN OXENDINE,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on November 21, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Lester Dean Oxendine’s guilty plea after Oxendine appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiring to possess

methamphetamine with the intent to distribute in violation of 21 U.S.C. §§ 841(a)(1) and 846 (Count I), and one count of the possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A) (Count II), all as set forth in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 109), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Lester Dean Oxendine's motion to change plea (Doc. 89) is GRANTED and Lester Dean Oxendine is adjudged guilty as charged in Counts I and II of the Superseding Information.

DATED this 6<sup>th</sup> day of December, 2016.



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Dana L. Christensen, Chief District Judge  
United States District Court